

**MINUTES OF THE CITY-COUNTY COUNCIL  
AND  
SPECIAL SERVICE DISTRICT COUNCILS  
OF  
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS  
MONDAY, FEBRUARY 23, 2004**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:08 p.m. on Monday, February 23, 2004, with President Boyd presiding.

Councillor Cockrum led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

**ROLL CALL**

President Boyd instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

*28 PRESENT: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*  
*1 ABSENT: Langsford*

A quorum of twenty-eight members being present, the President called the meeting to order.

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor Gray recognized members of the Concerned Clergy and Center Township Constable Tony Duncan. Councillor Gibson recognized Senator Glenn Howard, State Representative Bill Crawford, and former deputy mayor Bill Shrewsbury. Councillor Bradford recognized Vince Huber, president of the Fraternal Order of Police. Councillor Gray introduced Cherish Pryor, Indianapolis Chamber of Commerce. Councillor Oliver recognized members of the Mt. Olive Missionary Baptist Church in attendance. Councillor Borst wished administrative secretary Ava Earles a happy birthday, and said that all Councillors are praying for her recovery and hoping she will be back to work soon. Councillor Pfisterer encouraged Councillors to also keep Councillor Langsford in their thoughts and prayers as he left last week with his National Guard unit to serve his country in Bosnia. Councillor Randolph recognized Tom Hanify, Indianapolis Firefighters

Union, Local 416. Councillor Brown recognized Mike Reeves, also of the Indianapolis Firefighters Union, Local 416.

## **ORGANIZATION OF COUNCIL**

### **Appointment of Senior Staff**

President Boyd reported that the Rules and Public Policy Committee recommended at their last meeting that Aaron Haith be appointed as the Council's General Counsel. He moved, seconded by Councillor Talley, to appoint Mr. Haith as General Counsel.

Councillor Borst said that the appointments the Council makes to positions reflect on the Council, and therefore the minority party cannot vote to support this appointment. He said that although he does not know Mr. Haith very well personally, he feels Mr. Haith is not the right representation for the institution of this Council because of his past problems and the effect these issues would have on his ability to operate effectively as the Council's legal counsel. He said that he will vote in opposition to the appointment.

Councillor Talley read correspondence from the Concerned Clergy conveying their support for the confirmation of Mr. Haith as General Counsel. They noted that Mr. Haith is honest and forthright, skillful, knowledgeable, and professional in all aspects of his chosen profession. Councillor Talley also referred to a Special Resolution this Council body passed in December 2000 recognizing Mr. Haith for being the first recipient of the Pro Bono Award sponsored by the Indianapolis and Marion County Bar Associations.

Councillor Gibson said that he believes Mr. Haith to be very qualified. He said that all members of this Council have some social and moral issues they need to address, but not everyone gets caught. He said that these unfortunate events happened over 10 years ago, and Mr. Haith has more than atoned for this situation, and the Council should be willing to forgive and move on.

Councillor Conley said that the Republicans claim that they do not know Mr. Haith well. He said that he has served on this Council for five years, and still does not know current General Counsel, Robert Elrod, who does not even speak when spoken to.

Councillor Bowes said that Mr. Haith was under the review of the Indiana Supreme Court and was cleared to practice law with no restrictions. They found that past events had no affect whatsoever on his excellent representation of his clients and caused no impairment on his legal ability.

Councillor Sanders said that she knows many people in the community with personal struggles, and the true measure of a person is not how they avoid adversity, but how they deal with it. She said that Mr. Haith has the experience and qualifications to fill this position, and the way he has dealt with struggles in his life only make him stronger and has even encouraged him to give back to those who are less fortunate. She said that the Supreme Court is satisfied that he has met all requirements, and therefore the Council should be as well. She moved, seconded by Councillor Talley, to call for the question.

President Boyd passed the gavel to Vice President Sanders. President Boyd read a few lines from an article regarding President George W. Bush acknowledging a Driving Under the Influence (DUI) charge in his past during his campaign for President. Councillor Schneider asked what relevance this has to the present vote. President Boyd said that it does not have relevance, as any

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past charges for Mr. Haith also have no relevance. He said that he will provide Councillors with copies of the article in their mailboxes.

Mr. Haith was appointed as General Counsel on the following roll call vote; viz:

*16 YEAS: Abdullah, Bowes, Boyd, Brown, Conley, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Sanders, Talley*  
*12 NAYS: Borst, Bradford, Cain, Cockrum, Day, McWhirter, Pfisterer, Plowman, Randolph, Salisbury, Schneider, Speedy*  
*1 ABSENT: Langsford*

President Boyd stated that he introduced the candidate for Clerk of the Council, Jean Milharcic, to both caucuses earlier this evening. He moved, seconded by Councillor Gray, to appoint Ms. Milharcic as Clerk of the Council. Ms. Milharcic was appointed as Clerk by a unanimous voice vote.

Ms. Milharcic thanked the Council for their warm reception and stated that she is looking forward to working closely with all members. She recognized friends and previous co-workers from the State House of Representatives who were in attendance to support her nomination.

## OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, February 23, 2004, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,  
s/Rozelle Boyd  
President, City-County Council

February 10, 2004

TO PRESIDENT BOYD AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* on Wednesday, February 11, 2004 and in the *Indianapolis Star* on Thursday, February 12, 2004, a copy of a Notice of Public Hearing on Proposal Nos. 1, 69-73, and 75-78, 2004, said hearing to be held on Monday, February 23, 2004, at 7:00 p.m. in the City-County Building.

Respectfully,  
s/Suellen Hart  
Clerk of the City-County Council

February 20, 2004

TO PRESIDENT BOYD AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

*Journal of the City-County Council*

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Suellen Hart, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 14, 2004 – approves an increase of \$3,400,000 in the 2004 Budget of the Department of Public Safety (Consolidated County Fund) to cover salaries and benefits of the civilians in the Arrestee Processing Center (APC), IPD Property Room, and identification area, financed by fund balance (The City -County Council reserved \$3.4 Million of the Consolidated County Fund for this appropriation.)

FISCAL ORDINANCE NO. 15, 2004 - approves an increase of \$1,122,200 in the 2004 Budget of the Department of Public Safety, Fire Division (Non-Lapsing Federal Grants and Federal Grants Funds) to fund training, equipment acquisition, and other operational needs of the Urban Search & Rescue Task Force, financed by federal grants

FISCAL ORDINANCE NO. 16, 2004 - approves an increase of \$41,000 in the 2004 Budget of the Department of Parks and Recreation (Park General Fund) to pay for playground equipment at Barton Park and a new shelter and individual playground components for Emhart Stadium, financed by a grant from Lowes Home Improvement

FISCAL ORDINANCE NO. 17, 2004 - approves an increase of \$25,000 in the 2004 Budget of the Department of Parks and Recreation (Park General Fund) to fund the Indianapolis Parks and Recreation Latino Outreach Initiative, which is designed to coordinate communication strategies for Indianapolis' growing Latino community, financed by the Clowes Fund, Inc.

FISCAL ORDINANCE NO. 18, 2004 - approves an increase of \$2,228,575 in the 2004 Budget of the Department of Parks and Recreation (Park General Fund) to complete numerous capital improvement projects at Washington, Bethel, Rhodius, Christian, Municipal Gardens, Eagle Creek, and Garfield parks, as well as furniture and fixtures for the new buildings (This request is to re-appropriate the unobligated balance of a \$10 Million grant awarded in 2001 by the Lilly Endowment.)

FISCAL ORDINANCE NO. 19, 2004 - approves an increase of \$106,459 in the 2004 Budget of the Department of Parks and Recreation (Park General Fund) to support the Children's Folk Dance Festival and to continue environmental education throughout the community by extending the Hub Naturalist Program, financed by local grants

FISCAL ORDINANCE NO. 20, 2004 - approves an increase of \$125,000 in the 2004 Budget of the Department of Parks and Recreation (Federal Grants Fund) to continue the summer lunch program through 2004 for needy children in the Indianapolis area, financed by a federal grant

FISCAL ORDINANCE NO. 21, 2004 - approves an increase and transfer of \$167,426 in the 2004 Budget of the Department of Parks and Recreation (Federal Grants and Park General Fund) to continue the after school programs for the children in the Forest Manor School near 38th & Sherman and School #108, for the 2003-2004 school year, financed by a federal grant and transfer of funds between characters

SPECIAL ORDINANCE NO. 1, 2004 - authorizes the City of Indianapolis to issue one or more series of its "Economic Development Revenue Bonds, Series 2004 (Circle Block Project)" in an aggregate principal amount not to exceed \$30,250,000 and approves and authorizes other actions in respect thereto

GENERAL ORDINANCE NO. 1, 2004 - authorizes a multi-way stop at the intersection of Ingomar Street and McCarty Street (Districts 6, 13)

GENERAL ORDINANCE NO. 2, 2004 - authorizes a multi-way stop at the intersection of Gambel Road and Rainbow View Drive (District 22)

GENERAL ORDINANCE NO. 3, 2004 - authorizes a multi-way stop at the intersection of Lynhurst Drive, Margate Road, and Rixon Avenue (District 22)

GENERAL ORDINANCE NO. 4, 2004 – authorizes a change in parking restrictions for Davidson Street from Washington Street to Market Street (District 15)

SPECIAL RESOLUTION NO. 2, 2004 - an inducement resolution for Zion Properties, LLC in an amount not to exceed \$6,300,000 which consists of the acquisition and substantial rehabilitation of the existing 176 unit Park Plaza Apartments (to be renamed Pine Glen Apartments) located at 43 E. Hanna Avenue (District 23)

SPECIAL RESOLUTION NO. 3, 2004 - authorizes an agent to accept pension liability on behalf of the City of Indianapolis and Marion County, Indiana

SPECIAL RESOLUTION NO. 4, 2004 - authorizes the Department of Public Works, Office of Environmental Services, to apply for grant assistance from the Indiana Department of Environmental Management (IDEM) to fund the upgrade of one of the household hazardous waste collection facilities, the addition of a waste oil bulking tank at another facility, and the addition of public service announcements

Respectfully,  
s/Bart Peterson, Mayor

## **ADOPTION OF THE AGENDA**

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

## **APPROVAL OF THE JOURNAL**

The President called for additions or corrections to the Journal of February 9, 2004. There being no additions or corrections, the minutes were approved as distributed.

## **PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS**

PROPOSAL NO. 138, 2004. The proposal, sponsored by Councillor Abdullah, recognizes the Visiting Nurse Service and its new Home for the terminally ill. Councillor Abdullah read the proposal and presented representatives with copies of the document and Council pins. Dr. Greg Gramelspacher, Indiana University School of Medicine, thanked the Council for the acknowledgement and their support. Councillor Abdullah moved, seconded by Councillor Talley, for adoption. Proposal No. 138, 2004 was adopted by a unanimous voice vote.

Proposal No. 138, 2004 was retitled SPECIAL RESOLUTION NO. 5, 2004, and reads as follows:

### **CITY-COUNTY SPECIAL RESOLUTION NO. 5, 2004**

A SPECIAL RESOLUTION recognizing the Visiting Nurse Service, and its new Home for the terminally ill.

WHEREAS, for more than 90 years the nonprofit Visiting Nurse Association has been a home health provider that has promoted independence, wellness and family integrity; and

WHEREAS, the Association's exciting new venture is the Visiting Nurse Service Home, a place of refuge and dignity where the terminally ill homeless can spend the last few months and days of their lives on Earth; and

WHEREAS, the Home, near 47<sup>th</sup> Street and Keystone Avenue which expects to open late this spring is the result of three years of research, an Advisory Task Force that held countless morning meetings, a plan, fund raising, and approval by the Visiting Nurse Service Board of Directors; and

WHEREAS, the new residence will consist of three townhouses each with four private bedrooms, along with common dining and living areas; and the residents will be referred from hospitals, doctors, shelters, missions, hospice programs, family members and faith organizations; and

WHEREAS, there will be no costs to the residents, and community volunteers will serve many tasks at the Home; now, therefore:

### **BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. The Indianapolis City-County Council recognizes the nine decades of high quality service by the Visiting Nurse Service, and congratulates them for their new Residence Home that will provide compassionate support to citizens who are terminally ill and without financial resources.

SECTION 2. The Council commends the Visiting Nurse Service staff, Board and Foundation members, and its 500 volunteers who contribute 18,000 hours a year to the work of the programs and events of the Visiting Nurse Service.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Nytes reported that the Administration and Finance Committee heard Proposal Nos. 44 and 45, 2004 on January 27 and February 17, 2004. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 44, 2004. The proposal, sponsored by Councillor Nytes, appoints Frank Anderson to the Information Technology Board. PROPOSAL NO. 45, 2004. The proposal, sponsored by Councillor Nytes, reappoints Martha A. Womacks to the Information Technology Board. By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Nytes moved, seconded by Councillor Moriarty Adams, for adoption. Proposal Nos. 44 and 45, 2004 were adopted by a unanimous voice vote.

Proposal No. 44, 2004 was retitled COUNCIL RESOLUTION NO. 12, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 12, 2004

A COUNCIL RESOLUTION appointing Frank Anderson to the Information Technology Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Information Technology Board, the Council appoints:

Frank Anderson

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 45, 2004 was retitled COUNCIL RESOLUTION NO. 13, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 13, 2004

A COUNCIL RESOLUTION reappointing Martha A. Womacks to the Information Technology Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Information Technology Board, the Council reappoints:

Martha A. Womacks

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Councillor Borst suggested that since all of the appointments passed out of their respective committees with unanimous votes, perhaps they could all be voted on together. President Boyd asked if there are any of the board appointment proposals that need to be voted on separately.

Councillor Borst said that he understands there are some technical difficulties with regards to the constitutional make-up of the Metropolitan Development Commission, and he would like to see Proposal No. 104, 2004 returned to committee.

PROPOSAL NO. 104, 2004. The proposal, sponsored by Councillor Talley, appoints Bob Kennedy to the Metropolitan Development Commission. Councillor Talley agreed and moved, seconded by Councillor Borst, to return Proposal No. 104, 2004 to the Metropolitan Development Committee. Proposal No. 104, 2004 was returned to committee by a unanimous voice vote.

Councillor Nytes reported that the Administration and Finance Committee heard Proposal No. 92, 2004 on February 17, 2004. PROPOSAL NO. 92, 2004. The proposal, sponsored by Councillor Nytes, appoints Amy Corsaro to the City-County Administrative Board. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Nytes moved, seconded by Councillor Talley, to strike. Proposal No. 92, 2004 was stricken by a unanimous voice vote.

Councillor Bradford asked that a separate vote be taken on Proposal No. 125, 2004, as he will need to abstain on that particular vote.

PROPOSAL NO. 125, 2004. The proposal, sponsored by Councillor Boyd, appoints Belle Choate to the Alcoholic Beverage Board of Marion County. By a 6-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Boyd moved, seconded by Councillor Talley, for adoption. Proposal No. 125, 2004 was adopted on the following roll call vote; viz:

*27 YEAS: Abduallah, Borst, Bowes, Boyd, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*  
*0 NAYS:*  
*1 NOT VOTING: Bradford*  
*1 ABSENT: Langsford*

Proposal No. 125, 2004 was retitled COUNCIL RESOLUTION NO. 37, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 37, 2004

A COUNCIL RESOLUTION appointing Belle Choate to the Alcoholic Beverage Board of Marion County.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Alcoholic Beverage Board of Marion County, the Council appoints:

Belle Choate

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

President Boyd asked for consent to vote on the remaining board appointments, Proposal Nos. 80, 90, 91, 93-96, 99-101, 103, 105-107, 110, 115, 121, 122, 124, 126, and 127, 2004, together. Consent was given.

PROPOSAL NO. 80, 2004. The proposal, sponsored by Councillor Moriarty Adams, confirms the Marion County Public Defender Board's nomination of David Cook as Chief Public Defender. PROPOSAL NO. 90, 2004. The proposal, sponsored by Councillor Nytes, reappoints Steve Ajamie to the County Property Tax Assessment Board of Appeals. PROPOSAL NO. 91, 2004. The proposal, sponsored by Councillor Nytes, appoints Leland Thomas to the County Property Tax Assessment Board of Appeals. PROPOSAL NO. 93, 2004. The proposal, sponsored by Councillor Nytes, appoints John Thompson to the City-County Administrative Board. PROPOSAL NO. 94, 2004. The proposal, sponsored by Councillor Nytes, appoints Landrum Shields to the Equal Opportunity Advisory Board. PROPOSAL NO. 95, 2004. The proposal, sponsored by Councillor Nytes, appoints Fred Scott to the Equal Opportunity Advisory Board. PROPOSAL NO. 96, 2004. The proposal, sponsored by Councillor Nytes, appoints Charlie Garrido to the Equal Opportunity Advisory Board. PROPOSAL NO. 99, 2004. The proposal, sponsored by Councillor Talley, appoints Amy Kotzbauer to the Board of Zoning Appeals, Division I. PROPOSAL NO. 100, 2004. The proposal, sponsored by Councillor Talley, appoints Joanna Taft to the Board of Zoning Appeals, Division II. PROPOSAL NO. 101, 2004. The proposal, sponsored by Councillor Talley, appoints Bruce Curry to the Board of Zoning Appeals, Division II. PROPOSAL NO. 103, 2004. The proposal, sponsored by Councillor Talley, appoints Diane Guthrie to the Board of Zoning Appeals, Division III. PROPOSAL NO. 105, 2004. The proposal, sponsored by Councillor Talley, appoints Steven Stolen to the Metropolitan Development Commission. PROPOSAL NO. 106, 2004. The proposal, sponsored by Councillor Talley, reappoints Brian P. Murphy to the Metropolitan Development Commission. PROPOSAL NO. 107, 2004. The proposal, sponsored by Councillor Talley, appoints William "Duke" Oliver to the Urban Enterprise Association. PROPOSAL NO. 110, 2004. The proposal, sponsored by Councillor Gray, appoints Rick Cockrum to the Board of Parks and Recreation. PROPOSAL NO. 115, 2004. The proposal, sponsored by Councillor Moriarty Adams, appoints Tom Alvarez to the Animal Care and Control Board. PROPOSAL NO. 121, 2004. The proposal, sponsored by Councillor Conley, reappoints Tony Buford to the Board of Public Works. PROPOSAL NO. 122, 2004. The proposal, sponsored by Councillor Conley, appoints Al Finnell to the Board of Public Works. PROPOSAL NO. 124, 2004. The proposal, sponsored by Councillor Conley, appoints Herb Bazemore to the Marion County Storm Water Management Advisory Committee. PROPOSAL NO. 126, 2004. The proposal, sponsored by Councillor Boyd, appoints Jackie Nytes to the Audit Committee. PROPOSAL NO. 127, 2004. The proposal, sponsored by Councillor Boyd, appoints George Farley to the Audit Committee. By unanimous votes, the Committees reported the proposals to the Council with the recommendation that they do pass. Councillor Sanders moved, seconded by Councillor Gray, for adoption.

Councillor Bowes stated that he worked with David Cook, who is being confirmed as Chief Public Defender in Proposal No. 80, 2004, as a deputy prosecutor and a public defender. He said that there has been a marked increase of quality in the representation of defendants since Mr. Cook has been in position, and he supports the nomination wholeheartedly.

Proposal Nos. 80, 90, 91, 93-96, 99-101, 103, 105-107, 110, 115, 121, 122, 124, 126, and 127, 2004 were adopted by a unanimous voice vote.

Proposal No. 80, 2004 was retitled COUNCIL RESOLUTION NO. 14, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 14, 2004

A COUNCIL RESOLUTION confirming the Marion County Public Defender Board's nomination of David Cook as Marion County Chief Public Defender.



*February 23, 2004*

WHEREAS, pursuant to Sec. 286-4 of the "Revised Code of the Consolidated City and County," a Marion County Public Defender Board nomination of the Marion County Chief Public Defender is subject to the annual confirmation of the City-County Council; and

WHEREAS, the Marion County Public Defender Board has submitted to this Council the name of David Cook to serve as Marion County Chief Public Defender; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. David Cook is approved and reconfirmed by the City-County Council to serve as Marion County Chief Public Defender.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 90, 2004 was retitled COUNCIL RESOLUTION NO. 15, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 15, 2004

A COUNCIL RESOLUTION reappointing Steve Ajamie to the County Property Tax Assessment Board of Appeals.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the County Property Tax Assessment Board of Appeals, the Council reappoints:

Steve Ajamie

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 91, 2004 was retitled COUNCIL RESOLUTION NO. 16, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 16, 2004

A COUNCIL RESOLUTION appointing Leland Thomas to the County Property Tax Assessment Board of Appeals.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the County Property Tax Assessment Board of Appeals, the Council appoints:

Leland Thomas

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 93, 2004 was retitled COUNCIL RESOLUTION NO. 17, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 17, 2004

A COUNCIL RESOLUTION appointing John Thompson to the City-County Administrative Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the City-County Administrative Board, the Council appoints:

John Thompson

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 94, 2004 was retitled COUNCIL RESOLUTION NO. 18, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 18, 2004

A COUNCIL RESOLUTION appointing Landrum Shields to the Equal Opportunity Advisory Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Equal Opportunity Advisory Board, the Council appoints:

Landrum Shields

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2006. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 95, 2004 was retitled COUNCIL RESOLUTION NO. 34, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 34, 2004

A COUNCIL RESOLUTION appointing Fred Scott to the Equal Opportunity Advisory Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Equal Opportunity Advisory Board, the Council appoints:

Fred Scott

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2006. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 96, 2004 was retitled COUNCIL RESOLUTION NO. 19, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 19, 2004

A COUNCIL RESOLUTION appointing Charlie Garrido to the Equal Opportunity Advisory Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

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SECTION 1. As a member of the Equal Opportunity Advisory Board, the Council appoints:

Charlie Garrido

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2005. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 99, 2004 was retitled COUNCIL RESOLUTION NO. 20, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 20, 2004

A COUNCIL RESOLUTION appointing Amy Kotzbauer to the Board of Zoning Appeals, Division I.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Board of Zoning Appeals, Division I, the Council appoints:

Amy Kotzbauer

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 100, 2004 was retitled COUNCIL RESOLUTION NO. 21, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 21, 2004

A COUNCIL RESOLUTION appointing Joanna Taft to the Board of Zoning Appeals, Division II.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Board of Zoning Appeals, Division II, the Council appoints:

Joanna Taft

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 101, 2004 was retitled COUNCIL RESOLUTION NO. 22, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 22, 2004

A COUNCIL RESOLUTION appointing Bruce Curry to the Board of Zoning Appeals, Division II.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Board of Zoning Appeals, Division II, the Council appoints:

Bruce Curry

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 103, 2004 was retitled COUNCIL RESOLUTION NO. 23, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 23, 2004

A COUNCIL RESOLUTION appointing Diane Guthrie to the Board of Zoning Appeals, Division III.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Board of Zoning Appeals, Division III, the Council appoints:

Diane Guthrie

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 105, 2004 was retitled COUNCIL RESOLUTION NO. 24, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 24, 2004

A COUNCIL RESOLUTION appointing Steven Stolen to the Metropolitan Development Commission.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Metropolitan Development Commission, the Council appoints:

Steven Stolen

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 106, 2004 was retitled COUNCIL RESOLUTION NO. 25, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 25, 2004

A COUNCIL RESOLUTION reappointing Brian P. Murphy to the Metropolitan Development Commission.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Metropolitan Development Commission, the Council reappoints:

Brian P. Murphy

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 107, 2004 was retitled COUNCIL RESOLUTION NO. 26, 2004, and reads as follows:

*February 23, 2004*

CITY-COUNTY COUNCIL RESOLUTION NO. 26, 2004

A COUNCIL RESOLUTION appointing William "Duke" Oliver to the Urban Enterprise Association.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Urban Enterprise Association, the Council appoints:

William "Duke" Oliver

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 110, 2004 was retitled COUNCIL RESOLUTION NO. 27, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 27, 2004

A COUNCIL RESOLUTION appointing Rick Cockrum to the Board of Parks and Recreation.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Board of Parks and Recreation, the Council appoints:

Rick Cockrum

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 115, 2004 was retitled COUNCIL RESOLUTION NO. 28, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 28, 2004

A COUNCIL RESOLUTION appointing Tom Alvarez to the Animal Care and Control Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Animal Care and Control Board, the Council appoints:

Tom Alvarez

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 121, 2004 was retitled COUNCIL RESOLUTION NO. 29, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 29, 2004

A COUNCIL RESOLUTION reappointing Tony Buford to the Board of Public Works.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

*Journal of the City-County Council*

SECTION 1. As a member of the Board of Public Works, the Council reappoints:

Tony Buford

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 122, 2004 was retitled COUNCIL RESOLUTION NO. 30, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 30, 2004

A COUNCIL RESOLUTION appointing Al Finnell to the Board of Public Works.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Board of Public Works, the Council appoints:

Al Finnell

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 124, 2004 was retitled COUNCIL RESOLUTION NO. 31, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 31, 2004

A COUNCIL RESOLUTION appointing Herb Bazemore to the Marion County Storm Water Management Advisory Committee.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Marion County Storm Water Management Advisory Committee, the Council appoints:

Herb Bazemore

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 126, 2004 was retitled COUNCIL RESOLUTION NO. 32, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 32, 2004

A COUNCIL RESOLUTION appointing Jackie Nytes to the Audit Committee.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Audit Committee, the Council appoints:

Jackie Nytes

*February 23, 2004*

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 127, 2004 was retitled COUNCIL RESOLUTION NO. 33, 2004, and reads as follows:

**CITY-COUNTY COUNCIL RESOLUTION NO. 33, 2004**

A COUNCIL RESOLUTION appointing George Farley to the Audit Committee.

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. As a member of the Audit Committee, the Council appoints:

George Farley

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2006. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

**INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 130, 2004. Introduced by Councillors Moriarty Adams and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$4,000 in the 2004 Budget of the Marion County Sheriff to reimburse one officer to work overtime for the Bureau of Alcohol, Tobacco, Firearms and Explosives, funded by a grant from the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 131, 2004. Introduced by Councillors Moriarty Adams and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$7,000 in the 2004 Budget of the Marion County Sheriff (State and Federal Grants Fund) to pay for unexpected expenses"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 132, 2004. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$19,198 in the 2004 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to transfer Character 01 dollars to Characters 02, 03, and 04 to reduce initial budgeted Character 01 amount and reappropriate money for equipment and contractual services "; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 133, 2004. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$59,853 in the 2004 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to transfer Character 01 dollars to Character 03 which were originally loaded in the wrong character (Metro Drug Task Force Grant, 2003-2004)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 134, 2004. Introduced by Councillors Conley and Keller. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$375,000 in the 2004 Budget of the Department of Public Works, Engineering Division (Non-Lapsing State of Indiana Grants Fund), to make improvements to an existing sewer lift station and the roadway

along the Hague Road Corridor for Roche Diagnostics, financed by a grant from the Indiana Department of Commerce"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 135, 2004. Introduced by Councillors Conley and Keller. The Clerk read the proposal entitled: "A Proposal for a Solid Waste Collection Special Service District Fiscal Ordinance which approves an increase of \$401,500 in the 2004 Budget of the Department of Public Works, Operations Division (Solid Waste Collection Fund), to continue the program of placing 96-gallon trash receptacles in neighborhoods to enhance cleanliness, safety of neighborhoods and to discourage illegal dumping, financed by fund balance"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 136, 2004. Introduced by Councillor Sanders. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which provides for a mayoral line of succession that is consistent with the provisions of the Indiana Code "; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 137, 2004. Introduced by Councillor Cain. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which requires criminal background checks prior to employing or appointing persons to city or county positions"; and the President referred it to the Rules and Public Policy Committee.

#### **SPECIAL ORDERS - PRIORITY BUSINESS**

PROPOSAL NO. 129, 2004. Councillor Talley reported that the Metropolitan Development Committee heard Proposal No. 129, 2004 on February 12, 2004. The proposal, sponsored by Councillor Talley, is an inducement resolution in an amount not to exceed \$10,000,000 which consists of the acquisition and rehabilitation of the existing 200-unit Tomahawk Village Apartments (to be renamed Cambridge Station Apartments) located at 7801 West 10th Street (District 13). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Talley moved, seconded by Councillor Moriarty Adams, for adoption.

Councillor Salisbury said that this project is in his district and he does not support it. He said that the application is full of errors and even lies, as the application states that the developer contacted the assessor's office and they did not according to the Wayne Township Assessor. He said that he is also concerned that the project will cost \$10 million for a rehabilitation project, when most new developments cost the same. He moved, seconded by Councillor Schneider, to return Proposal No. 129, 2004 to committee.

Councillor Talley said that Councillor Salisbury attended the committee hearing and asked these same questions, and the questions were answered by counsel and the developer to the committee's satisfaction. He added that an inducement resolution simply allows the developer to recoup costs on a project's planning and apply for bond volume cap from the State. He said that the project will come back before the Council for final approval with a more detailed plan. He added that this proposal is time-sensitive.

Rod Morgan, bond counsel for the Economic Development Commission, said that the requirement in the application to contact the assessor was simply to get an assessment on the property, and in no way implies that the assessor is in favor of the project. He added that this has been an on-going project for two years.



Councillor Salisbury said that the application specifically asks: “Has this project been discussed with the assessor of the township where it is located?” He said that this indicates to him that the assessor is aware of and endorses the project. He said that he adhered to the committee process and attended the committee hearing, even though he was not a member of that committee, yet his comments were basically ignored.

The motion to return Proposal No. 129, 2004 to committee failed on the following roll call vote; viz:

*13 YEAS: Borst, Bradford, Cain, Cockrum, Day, Keller, McWhirter, Pfisterer, Plowman, Randolph, Salisbury, Schneider, Speedy*

*14 NAYS: Abdullallah, Bowes, Boyd, Brown, Conley, Franklin, Gibson, Gray, Mahern, Moriarty Adams, Nytes, Oliver, Sanders, Talley*

*1 NOT VOTING: Mansfield*

*1 ABSENT: Langsford*

Proposal No. 129, 2004 was adopted on the following roll call vote; viz:

*15 YEAS: Abdullallah, Bowes, Boyd, Brown, Conley, Franklin, Gibson, Gray, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Sanders, Talley*

*12 NAYS: Borst, Bradford, Cain, Cockrum, Day, Keller, Pfisterer, Plowman, Randolph, Salisbury, Schneider, Speedy*

*1 NOT VOTING: Mansfield*

*1 ABSENT: Langsford*

Proposal No. 129, 2004 was retitled SPECIAL RESOLUTION NO. 6, 2004, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 6, 2004

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana (the “Issuer”) is authorized by IC 36-7-11.9 and IC 36-7-12 (collectively, the “Act”) to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, rehabilitation, construction, installation and equipping of said facilities, and said facilities to be either sold or leased to a company or the proceeds of the revenue bond issue may be loaned to the company and said facilities directly owned by the Company; and

WHEREAS, LDG-IND, LLC or its assigns (the “Applicant”), has advised the Indianapolis Economic Development Commission (the “Commission”) and the Issuer that it proposes that the Issuer either acquire certain economic development facilities and sell or lease the same to Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities to consist of the acquisition and rehabilitation of the existing 200-unit Tomahawk Village Apartments (anticipated to be renamed Cambridge Station Apartments) located on an approximately 13.395 acre parcel of land at 7801 West 10<sup>th</sup> Street, Indianapolis, Indiana (the “Project”); and

WHEREAS, the diversification of industry and the creation and retention of opportunities for gainful employment and the creation of business opportunities to be achieved by the acquisition and rehabilitation of the Project will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens;

WHEREAS, it would appear that the financing of the Project would be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and rehabilitation of the Project will not have an adverse competitive effect on similar facilities already constructed or operating within the jurisdiction of the Issuer; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. It finds, determines, ratifies and confirms that the diversification of industry and the retention of opportunities for gainful employment within the jurisdiction of the Issuer, is desirable, serves a public purpose, and is of benefit to the health or general welfare of the Issuer; and that it is in the public interest that this Issuer take such action as it lawfully may to encourage the diversification of industry, the creation of business opportunities, and the creation and retention of opportunities for gainful employment within the jurisdiction of the Issuer.

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed \$10,000,000 under the Act to be privately placed or publicly offered if permitted under current Commission policy for the acquisition and rehabilitation of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition and rehabilitation of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition and rehabilitation of the Project, this Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement resolution expires on October 31, 2004, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by this Council prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action, extends the term of this inducement resolution; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds (a) this inducement resolution is still in effect and (b) if applicable, the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year, it being understood that the Issuer, by taking this action, is not making any representation nor any assurances that (1) any such allocable limit will be available, because inducement resolutions in the aggregate amount in excess of the private activity bond limit may, and in all probability will, be adopted; (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions; and (3) no portion of such activity bond limit has been guaranteed for the proposed Project; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the date which is sixty (60) days prior to the adoption of this resolution, including reimbursement or repayment to the Applicant of monies expended by the Applicant for application fees, planning, engineering, underwriting expenses, attorney and bond counsel fees, and acquisition and rehabilitation of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the Project to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the Project. Also certain indirect expenses incurred prior to such date will be permitted to be included as part of the bond issue to finance the Project in accordance with the Final Regulations (T 8476) on Arbitrage Restrictions on Tax-Exempt Bonds in particular Section 1.150-2.

SECTION 5. This Council recognizes that the Applicant intends to utilize Tax Credits, if available, pursuant to Section 42 of the Internal Revenue Code of 1986, as amended, or any successor section thereof in connection with the financing of the Project with tax-exempt bonds.

SECTION 6. The Council hereby finds and determines that the amount of tax credits to be allocated to the Project under Section 42 of the Internal Revenue Code of 1986, as amended, does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, the Issuer has relied upon representations of the Applicant. The foregoing determinations shall not be construed to be a representation or warranty by the Issuer as to the feasibility or viability of the Project. The Mayor of the City of Indianapolis (the "Mayor") is hereby directed to delegate to the Director, Department of Metropolitan Development, the authority to execute on behalf of the Mayor and the Issuer any and all

documents required in the application process for tax credit or volume cap allocations from the appropriate State of Indiana agency. In reliance upon the representations of the Applicant, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan.

SECTION 7. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 139, 2004 and PROPOSAL NOS. 140-152, 2004. Introduced by Councillor Talley. Proposal No. 139, 2004 and Proposal Nos. 140-152, 2004 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on February 9 and 17, 2004. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 19-32, 2004, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 19, 2004.  
90-Z-191

2910 EAST COUNTY LINE ROAD (approximate address), INDIANAPOLIS.  
PERRY TOWNSHIP, COUNCILMANIC DISTRICT #24  
HENRY AND ELIZABETH D. McLIMORE, request the rezoning of 12 acres, being in the A-2/FP (D-A/FP) District, to the C-S (C-4/FP) classification to provide for commercial development.

REZONING ORDINANCE NO. 20, 2004.  
2003-ZON-119

6345 WEST THOMPSON ROAD (approximate address), INDIANAPOLIS.  
DECATUR TOWNSHIP, COUNCILMANIC DISTRICT #19  
JEFF MALONE, by David Kingen, requests a rezoning of 0.50 acre, being in the D-3 District, to the C-1 classification to legally establish office uses.

REZONING ORDINANCE NO. 21, 2004.  
2003-ZON-140

8301 HAVERSTICK ROAD (approximate address), INDIANAPOLIS.  
WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT #7  
8300, LLC, by Joseph D. Calderon, requests a rezoning of 0.35 acre, being in the D-A District, to the C-1 classification to provide for office uses.

REZONING ORDINANCE NO. 22, 2004.  
2003-ZON-142

4160 MOLLER ROAD (approximate address), INDIANAPOLIS.  
PIKE TOWNSHIP, COUNCILMANIC DISTRICT #1  
DESTINY HOLDINGS, LLC, by David Gilman, requests a rezoning of 2.36 acres, being in the D-2 District, to the C-S classification to provide for a church, with a parsonage and food pantry.

REZONING ORDINANCE NO. 23, 2004.  
2003-ZON-149 (2003-DP-019)

6220, 6230, 6246, 6252 and 6316 SOUTH EMERSON AVENUE (approximate addresses), INDIANAPOLIS.  
PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24  
HILLS COMMUNITIES, INCORPORATED, by Philip A. Nicely, requests a rezoning of 15.80 acres, being in the D-A District, to the D-P classification to provide for a 180-unit multi-family residential condominium development with a density of 11.39 units per acre.

REZONING ORDINANCE NO. 24, 2004.  
2003-ZON-155

8202 SOUTH US 31 (approximate address), INDIANAPOLIS.  
PERRY TOWNSHIP, COUNCILMANIC DISTRICT #20  
HOWARD F. HUBLER, by Michael J. Kias, requests a rezoning of 5.50 acres, being in the C-1, C-4 and C-5 Districts, to the C-5 classification to provide for commercial uses.

REZONING ORDINANCE NO. 25, 2004.

2003-ZON-157

2024 and 2028 GENT AVENUE and 1201, 1221 and 1225 WEST 21<sup>ST</sup> STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #16

EMMANUEL CME CHURCH requests a rezoning of 0.67 acre, being in the D-5 (W-1) District, to the SU-1 (W-1) classification provide for religious uses.

REZONING ORDINANCE NO. 26, 2004.

2003-ZON-162

901 EAST HANNA AVENUE (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT #20

STEVEN H. AND STACIA L. WICKER requests a rezoning of 0.36 acre, being in the D-3, C-5 and C-7 Districts, to the C-5 classification to provide for commercial uses.

REZONING ORDINANCE NO. 27, 2004.

2003-ZON-168

1601-1637 BARTH AVENUE and 1034-1042 PALMER AVENUE (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #21

SOUTHEAST NEIGHBORHOOD DEVELOPMENT, by David Kingen, requests a rezoning of 1.12 acres, being in the D-5 and I-3-U Districts to the SU-2 classification to provide for educational uses. he details of this petition are on file.

REZONING ORDINANCE NO. 28, 2004.

2003-ZON-173

7220 and 7304 SOUTH US 31 (approximate addresses), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT #20

JERRY F. STEELE, by Michael J. Kias, requests a rezoning of two acres, being in the D-A District, to the C-1 classification to provide for office uses.

REZONING ORDINANCE NO. 29, 2004.

2003-ZON-174

2115 NORTH HAWTHORNE LANE (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT #10

N.R.P. HOLDINGS, LLC, by Michael J. Kias, requests a rezoning of six acres, being in the D-A District, to the D-6II classification to provide for multifamily residential development.

REZONING ORDINANCE NO. 30, 2004.

2003-ZON-175

2815 EAST 62<sup>ND</sup> STREET and 6185 NORTH RURAL STREET (approximate addresses), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT #7

MUIRFIELD PARTNERS, LLC, by Bill Spencer and David Kingen, requests a rezoning of 1.71 acres, being in the D-3 District, to the C-1 classification to provide for office uses.

REZONING ORDINANCE NO. 31, 2004.

2003-ZON-845

2750 EAST 62<sup>ND</sup> STREET (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT #7

MARCUS J. BURNELL, by J. Murray Clark, requests a rezoning of 0.68 acre, being in the D-3 District, to the C-1 classification to provide for office uses

REZONING ORDINANCE NO. 32, 2004.

2003-ZON-846

3602 FARNSWORTH STREET (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT #17

RAY'S TRASH SERVICE, INCORPORATED, by Phillip A. Nicely, requests a rezoning of 12.51 acres, being in the I-3-U District, to the I-4-U classification

## SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 1, 2004. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 1, 2004 on January 21, 2004. The proposal, sponsored by Councillors Borst, Boyd, and Talley, approves an increase of \$1,223,009 in the 2004 budget of the Marion County Sheriff's Department (County General Fund) to pay merit pay raises and fringes. (The City-County Council reserved \$1,223,009 of General Fund balance for this appropriation.) By a 6-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Boyd called for public testimony at 8:07 p.m.

Vince Huber, president of the Fraternal Order of Police, encouraged the Council to support the proposal.

Councillor Nytes said that she will support the proposal, but she wants to caution Council members that adequate funding is not available for the full contract term, even though funds have been identified for 2004.

Councillor Plowman said that even though he has been counseled that there is no conflict of interest, he will abstain to avoid any appearance of a conflict. However, he said that this contract has been in negotiations for two years, and he supports it.

There being no further public testimony, Councillor Moriarty Adams moved, seconded by Councillor Talley, for adoption. Proposal No. 1, 2004 was adopted on the following roll call vote; viz:

*26 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*

*0 NAYS:*

*2 NOT VOTING: Mansfield, Plowman*

*1 ABSENT: Langsford*

Proposal No. 1, 2004 was retitled FISCAL ORDINANCE NO. 22, 2004, and reads as follows:

### CITY-COUNTY FISCAL ORDINANCE NO. 22, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No.114, 2003) appropriating an additional One Million Two Hundred Twenty-three Thousand Nine Dollars (\$1,223,009) in the County General Fund for purposes of the Marion County Sheriff and reducing the unappropriated and unencumbered balance in the County General Fund.

### BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(b) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated in accordance with the terms of the Fraternal Order of Police contract, to pay merit pay raises and fringes.

SECTION 2. The sum of One Million Two Hundred Twenty-three Thousand Nine Dollars (\$1,223,009) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SHERIFF</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services-fringes	348,626
<u>MARION COUNTY SHERIFF</u>	
1. Personal Services	874,383
TOTAL INCREASE	1,223,009

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered	
County General Fund – Reserve Account	1,223,009
TOTAL REDUCTION	1,223,009

SECTION 5. The projected December 31, 2004 fund balance for the General Fund Reserve Account is as follows:

Current fund balance (January 1, 2004)	1,223,009
Proposed Additional Appropriation	1,223,009
Projected ending fund balance December 31, 2004	0

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 69, 2004. Councillor Talley reported that the Metropolitan Development Committee heard Proposal No. 69, 2004 on February 12 and 23, 2004. The proposal, sponsored by Councillor Speedy, approves an increase of \$352,984 in the 2004 budget of the Marion County Recorder (Recorder's Perpetuation Fund) to fund operating expenses with Recorder's Perpetuation Funds. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Boyd called for public testimony at 8:09 p.m. There being no one present to testify, Councillor Talley moved, seconded by Councillor Speedy, for adoption. Proposal No. 69, 2004 was adopted on the following roll call vote; viz:

25 YEAS: *Abduallah, Borst, Bowes, Boyd, Brown, Cain, Cockrum, Conley, Day, Franklin, Gray, Keller, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*  
0 NAYS:  
3 NOT VOTING: *Bradford, Gibson, Mansfield*  
1 ABSENT: *Langsford*

Proposal No. 69, 2004 was retitled FISCAL ORDINANCE NO. 23, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 23, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 113, 2003) appropriating an additional Three Hundred Fifty-two Thousand Nine Hundred Eighty-four (\$352,984) in the Recorder's Perpetuation Fund for purposes of the Marion County Recorder and reducing the unappropriated and unencumbered balance in the Recorder's Perpetuation Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(h) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of funding operating expense with Recorder's Perpetuation Funds.

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SECTION 2. The sum of additional Three Hundred Fifty-two Thousand Nine Hundred Eighty-four (\$352,984) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY RECORDER</u>	<u>RECORDER'S PERPETUATION FUND</u>
1. Personal Services - fringes	168,064
1. Personal Services	77,953
2. Supplies	5,000
3. Other Services and Charges	<u>101,967</u>
TOTAL INCREASE	352,984

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>RECORDER'S PERPETUATION FUND</u>
Unappropriated and Unencumbered	
Recorder's Perpetuation Fund	<u>352,984</u>
TOTAL REDUCTION	352,984

SECTION 5. The projected December 31, 2004, fund balance for the Recorder's Perpetuation Fund is as follows:

Current cash balance 01-01-04	6,343,461
Anticipated additional revenue through December 31, 2004	<u>1,794,000</u>
Projected funds available	8,137,461
Remaining appropriations and encumbrances	1,208,926
Proposed additional appropriation	<u>352,984</u>
Funds required	1,561,910
Projected fund balance December 31, 2004	6,575,551

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Gray reported that the Parks and Recreation Committee heard Proposal Nos. 70-72, 2004 on February 12, 2004. He asked for consent to vote on these proposals. Consent was given.

PROPOSAL NO. 70, 2004. The proposal, sponsored by Councillors Gray, Cockrum, and Nytes, approves an increase of \$850,000 in the 2003 Budget of the Department of Parks and Recreation (Park General Fund) to construct a junior golf facility including a clubhouse, range/practice area and a three hole short course as part of the Indy Parks First Tee project, financed by private grants and fund balance. PROPOSAL NO. 71, 2004. The proposal, sponsored by Councillors Gray and Cockrum, approves an increase of \$32,000 in the 2004 Budget of the Department of Parks and Recreation (Non-Lapsing State Grants Fund) to fund "Afternoons ROCK in Indiana," a youth drug, alcohol, smoking and gang prevention and conflict resolution program, funded by a state grant. PROPOSAL NO. 72, 2004. The proposal, sponsored by Councillors Gray and Cockrum, approves an increase of \$183,367 in the 2004 Budget of the Department of Parks and Recreation (Non-Lapsing Federal Grants Fund) to repair and extend the boat ramp, perform bank stabilization, and construct an Americans with Disabilities (ADA) compliant lift as part of the Broad Ripple Boat Ramp project, financed by a federal grant. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President Boyd called for public testimony at 8:13 p.m.

Mr. Huber said that he provided Councillors with a letter prior to this meeting and said that he does not understand priorities of the City when the police cannot get a fair contract, yet \$850,000 can be spent on a private golf course. Councillor Talley said that these remarks are not germane

to these fiscal proposals. President Boyd agreed and ruled Mr. Huber out of order. Councillor Gray added that the money to pay for the golf facility comes from golf fees and not tax dollars.

Councillor Bradford said that he supports Proposal No. 72, 2004, but that he wanted to note that the Parks Department agreed to try and recover money later to add these grant funds back to the budget.

There being no further testimony, Councillor Gray moved, seconded by Councillor Talley, for adoption. Proposal Nos. 70-72, 2004 were adopted on the following roll call vote; viz:

*27 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*

*0 NAYS:*

*1 NOT VOTING: Mansfield*

*1 ABSENT: Langsford*

Proposal No. 70, 2004 was retitled FISCAL ORDINANCE NO. 24, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 24, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) appropriating an additional Eight Hundred and Fifty Thousand Dollars (\$850,000) in the Park General Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Park General Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(l) of the City-County Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to construct a junior golf facility including a clubhouse, range/practice area and a three hole short course as part of the Indy Parks First Tee project, at the property known as "The Bulge," at 1100 East 25<sup>th</sup> Street, financed by private grants and fund balance.

SECTION 2. The sum of Eight Hundred and Fifty Thousand Dollars (\$850,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
4. Capital Outlay	<u>850,000</u>
TOTAL INCREASE	850,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered	
Park General Fund	<u>850,000</u>
TOTAL REDUCTION	850,000

SECTION 5. The projected December 31, 2004, fund balance for the Park General Fund is as follows:

Estimated cash balance as of January 1, 2004	11,668,985
Estimated revenues 2004 (original budget)	25,040,688
2004 New Revenues (not originally budgeted)	<u>281,459</u>
Projected funds available	31,705,961



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2004 appropriations	25,403,819
2004 Carryover appropriations (original budget)	6,302,142
Pending additional appropriation requests (Proposal Nos. , 2004)	2,401,034
Proposed additional appropriation (Proposal No. 70, 2004)	<u>850,000</u>
Total Requirements	34,956,995

Projected fund balance December 31, 2004	2,034,137
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SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 71, 2004 was retitled FISCAL ORDINANCE NO. 25, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 25, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) appropriating an additional Thirty-Two Thousand Dollars (\$32,000) in the Non-Lapsing State Grants Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Non-Lapsing State Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(l) of the City-County Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to fund "Afternoons ROCK in Indiana," a youth drug, alcohol, smoking and gang prevention and conflict resolution program, funded by a state grant.

SECTION 2. The sum of Thirty-Two Thousand Dollars (\$32,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>NON-LAPSING STATE GRANTS FUND</u>
2. Supplies	5,800
3. Other Services and Charges	19,240
4. Capital Outlay	<u>6,960</u>
TOTAL INCREASE	32,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>NON-LAPSING STATE GRANTS FUND</u>
Unappropriated and Unencumbered	
Non-Lapsing State Grants Fund	<u>32,000</u>
TOTAL REDUCTION	32,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the program described in section 1 above.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 72, 2004 was retitled FISCAL ORDINANCE NO. 26, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 26, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 112, 2003) appropriating an additional One Hundred Eighty-Three Thousand Three Hundred Sixty-Seven Dollars (\$183,367) in the Non-Lapsing Federal Grants Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Non-Lapsing Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(l) of the City-County Annual Budget for 2004 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to repair and extend the boat ramp, perform bank stabilization, and construct an Americans with Disabilities (ADA) compliant lift as part of the Broad Ripple Boat Ramp project, located in Broad Ripple Park, financed by a federal grant.

SECTION 2. The sum of One Hundred Eighty-Three Thousand Three Hundred Sixty-Seven Dollars (\$183,367) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
4. Capital Outlay	<u>183,367</u>
TOTAL INCREASE	183,367

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Non-Lapsing Federal Grants Fund	<u>183,367</u>
TOTAL REDUCTION	183,367

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the program described in section 1 above.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 73 and 75-78, 2004 on February 11, 2004. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 73, 2004. The proposal, sponsored by Councillor Moriarty Adams, approves an increase of \$569,997 in the 2004 budget of the Marion County Sheriff's Department (County General Fund) to hire 22 additional corrections officers, funded by a reduction in the Community Corrections Agency. PROPOSAL NO. 75, 2004. The proposal, sponsored by Councillors Moriarty Adams and Talley, approves an increase of \$85,752 in the 2004 Budget of Marion County Sheriff's Department (State and Federal Grants Fund) for a one-time reimbursement for eight (8) Officers assigned to Indianapolis Metropolitan Gang Safe Streets, funded by a grant from Indianapolis Metropolitan Gang Safe Streets. PROPOSAL NO. 76, 2004. The proposal,

sponsored by Councillors Moriarty Adams and Talley, an increase of \$14,115 in the 2004 Budget of Marion County Sheriff's Department (State and Federal Grants Fund) to reimburse one Officer assigned to the Drug Enforcement Administration, funded by a grant from the Drug Enforcement Administration. PROPOSAL NO. 77, 2004. The proposal, sponsored by Councillors Moriarty Adams and Talley, approves an increase of \$5,000 in the 2004 Budget of Marion County Sheriff's Department (State and Federal Grants Fund) for the reimbursement for one Officer assigned to the U.S. Marshal Fugitive Task Force, funded by a grant from the U.S. Marshal Fugitive Task Force. PROPOSAL NO. 78, 2004. The proposal, sponsored by Councillor Talley, approves an increase of \$25,000 in the 2004 Budget of the Marion County Clerk (State and Federal Grants Fund) for the Protective Order Pro Bono Project of Greater Indianapolis, Inc., funded by a grant from Indiana Criminal Justice Institute. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

Councillor Talley stated that Proposal No. 78, 2004 provides support to low-income domestic abuse victims, and it is required by State law. He commended Marion County Clerk Doris Ann Sadler for replacing tax dollars with grant dollars to finance this program.

Councillor Nytes said that this proposal is in response to a court order and she will support it because the money was found for the 2004 budget. However, she said that her vote in support does not mean that she is committed to this same expense in next year's budget, as she is not sure funds will again be available to support it. She said that there are difficult funding challenges facing the County in the future.

President Boyd called for public testimony at 8:22 p.m. There being no one present to testify, Councillor Moriarty Adams moved, seconded by Councillor Talley, for adoption. Proposal Nos. 73 and 75-78, 2004 were adopted on the following roll call vote; viz:

*26 YEAS: Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*

*0 NAYS:*

*2 NOT VOTING: Abdullallah, Mansfield*

*1 ABSENT: Langsford*

Proposal No. 73, 2004 was retitled FISCAL ORDINANCE NO. 27, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 27, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No.114, 2003) appropriating an additional Five Hundred Sixty-nine Thousand Nine Hundred Ninety-seven Dollars (\$569,997) in the County General Fund for purposes of the Marion County Sheriff and reducing certain appropriations for the Community Corrections Agency in the County General Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(b) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter for the purpose of hiring an additional twenty-two (22) correction officers for the Marion County Jail.

SECTION 2. The sum of Five Hundred Sixty-nine Thousand Nine Hundred Ninety-seven Dollars (\$569,997) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SHERIFF</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	419,097
2. Supplies	36,520
3. Other Services and Charges	19,580
4. Capital Outlay	<u>94,800</u>
TOTAL INCREASE	569,997

SECTION 4. The said additional appropriation is funded by the following reductions:

<u>COMMUNITY CORRECTIONS AGENCY</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	<u>570,000</u>
TOTAL DECREASE	570,000

SECTION 5. The projected December 31, 2004, fund balance for the County General Fund is as follows:

Current cash balance 01-01-04	7,829,989
Anticipated additional revenue through December 31, 2004	185,465,633
Anticipated additional revenue	4,250,146
Community Corrections Reduction	<u>570,000</u>
Projected funds available	198,115,768
Remaining appropriations and encumbrances	195,831,490
Proposed additional appropriation	<u>569,997</u>
Funds required	196,401,487
Projected fund balance December 31, 2004	1,714,281

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 75, 2004 was retitled FISCAL ORDINANCE NO. 28, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 28, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 114, 2003) appropriating an additional Eighty-five Thousand Seven Hundred Fifty-two Dollars (\$85,752) in the State and Federal Grants Fund for purposes of the Marion County Sheriff's Department and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (g) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Sheriff's Department for a one-time reimbursement for eight (8) officers assigned to Indianapolis Metropolitan Gang Safe Streets.

SECTION 2. The sum of Eighty-five Thousand Seven Hundred Fifty-two Dollars (\$85,752) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SHERIFF</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services-fringes	6,088
1. Personal Services	<u>79,664</u>
TOTAL INCREASE	85,752

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>85,752</u>
TOTAL REDUCTION	85,752

SECTION 5. No local match.

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 76, 2004 was retitled FISCAL ORDINANCE NO. 29, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 29, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 114, 2003) appropriating an additional Fourteen Thousand One Hundred Fifteen Dollars (\$14,115) in the State and Federal Grants Fund for purposes of the Marion County Sheriff's Department and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (g) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Sheriff's Department to reimburse one Officer assigned to the Drug Enforcement Administration.

SECTION 2. The sum of Fourteen Thousand One Hundred Fifteen Dollars (\$14,115) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SHERIFF</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services-fringes	1,003
1. Personal Services	<u>13,112</u>
TOTAL INCREASE	14,115

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>14,115</u>
TOTAL REDUCTION	14,115

SECTION 5. No local match.

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 77, 2004 was retitled FISCAL ORDINANCE NO. 30, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 30, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 114, 2003) appropriating an additional Five Thousand Dollars (\$5,000) in the State and Federal Grants Fund for purposes of the Marion County Sheriff's Department and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (g) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Sheriff's Department for the reimbursement for one Officer assigned to the U.S. Marshal Fugitive Task Force.

SECTION 2. The sum of Five Thousand Dollars (\$5,000) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SHERIFF</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services-fringes	355
1. Personal Services	<u>4,645</u>
TOTAL INCREASE	5,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>5,000</u>
TOTAL REDUCTION	5,000

SECTION 5. No local match.

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 78, 2004 was retitled FISCAL ORDINANCE NO. 31, 2004, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 31, 2004

A FISCAL ORDINANCE amending the City-County Annual Budget for 2004 (City-County Fiscal Ordinance No. 115, 2003) appropriating an additional Twenty-five Thousand Dollars (\$25,000) in the State and Federal Grants Fund for purposes of the Marion County Clerk and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.(a) of the City-County Annual Budget for 2004 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Clerk for the Protective Order Pro Bono Project of Greater Indianapolis, Inc.

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SECTION 2. The sum of Twenty-five Thousand Dollars (\$25,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY CLERK</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>25,000</u>
TOTAL INCREASE	25,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>25,000</u>
TOTAL REDUCTION	25,000

SECTION 5. Local match from outside vendor.

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

### **SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 79, 2004. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 79, 2004 on February 11, 2004. The proposal, sponsored by Councillors Moriarty Adams and McWhirter, clarifies the source of the law enforcement powers of the city's animal care and control officers. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Moriarty Adams moved, seconded by Councillor McWhirter, for adoption. Proposal No. 79, 2004 was adopted on the following roll call vote; viz:

*27 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*

*0 NAYS:*

*1 NOT VOTING: Mansfield*

*1 ABSENT: Langsford*

Proposal No. 79, 2004 was retitled GENERAL ORDINANCE NO. 5, 2004, and reads as follows:

#### **CITY-COUNTY GENERAL ORDINANCE NO. 5, 2004**

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to clarify the source of the law enforcement powers of the city's animal care and control officers.

#### **BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. Section 531-712 of the "Revised Code of the Consolidated City and County," regarding the rights and responsibilities of animal care and control officers, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

**Sec. 531-712. Enforcement authority's rights and responsibilities.**

(a) Persons who are individually charged with the enforcement of this chapter shall be designated animal care and control officers, and prior to the performance of any act in connection therewith, shall be ~~deputized as such by the city police department and the county sheriff~~ appointed and sworn as special police officers pursuant to Chapter 253, Article IV of the Code. Such animal care and control officers shall also receive appropriate and relevant training and be certified by the National Animal Control Association or other appropriate agency.

(b) It shall be the duty of the city police department and the county sheriff to assist in the enforcement of all provisions of this chapter and other ordinances in relation to animals, and it shall be the duty of all police officers and county sheriff's deputies to report at once all violations thereof to police or sheriff's headquarters.

(c) Such officers are authorized to enforce all provisions of this chapter and section 836-5 of this Code, including the right to proceed upon public and private property in the city in pursuit of animals in violation of this chapter.

(d) Such officers are not authorized to enter a privately owned enclosure in pursuit of an animal without the consent of the owner, lessee or other occupant of the enclosure, or other legal process; provided, however, if any animal is believed to be enclosed without adequate food, shelter and water, or dead animals are believed to be enclosed, and such owner or occupant is not present and cannot readily be located, an animal care and control officer may affix a notice to the premises in an obvious location, directing the occupant to contact the officer at a given location and phone number. If neither the occupant nor anyone on the occupant's behalf responds to such notice within twenty-four (24) hours after the notice is affixed, an animal care and control officer may enter the premises to determine if the provisions of this chapter or section 836-5 of this Code have been violated.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 81, 2004. Councillor Conley reported that the Public Works Committee heard Proposal No. 81, 2004 on February 19, 2004. The proposal, sponsored by Councillors Conley and Cockrum, authorizes and approves the execution of an agreement between the City of Indianapolis and the Indianapolis Airport Authority for the construction of a parallel Bridgeport Interceptor in Marion County. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Bradford asked why a bond is being used to pay for this project, and if reserve funds are not available. He said that using a bond to pay for a project is usually a last resort. Mona Salem, Deputy Director of the Department of Public Works (DPW), stated that this is the way all sanitary sewer projects are normally funded. She said that this project was included in the Capital Improvement Plan approved by the Council last year.

Councillor Schneider said that paying interest on a bond may not be necessary. Ms. Salem said that the department regularly assesses sewer interceptors, and the sewer is near capacity in this area, with a great number of sewer overflow complaints. She said that an upgrade is necessary, and it is better to do it now than wait until the sewers fail. She said that the airport had the option



to tie into the sewers, and the City is actually benefitting by the airport helping to fund the sewer upgrade.

Councillor Mahern said that anything that will add capacity to that area would be greatly appreciated, and to split the cost with another entity is even more beneficial.

Councillor Conley moved, seconded by Councillor Gibson, for adoption. Proposal No. 81, 2004, as amended, was adopted on the following roll call vote; viz:

*27 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*

*0 NAYS:*

*1 NOT VOTING: Mansfield*

*1 ABSENT: Langsford*

Proposal No. 81, 2004, as amended, was retitled SPECIAL ORDINANCE NO. 2, 2004, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 2, 2004

A COUNCIL SPECIAL ORDINANCE approving and authorizing execution of an agreement between the City of Indianapolis and the Indianapolis Airport Authority for the construction of a parallel Bridgeport Interceptor in Marion County, Indiana, witnesseth that:

WHEREAS, the Board of Public Works, by Resolution No. 3, 2004, approved an agreement between the City of Indianapolis and the Indianapolis Airport Authority for the construction of a parallel Bridgeport Interceptor in Marion County, Indiana, and authorized the Director of the Department of Public Works to sign said agreement on behalf of the City of Indianapolis; and

WHEREAS, said agreement is in the best interest of the City, now therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA

SECTION 1. The Interlocal Agreement between the City of Indianapolis and the Indianapolis Airport Authority as approved by the Board of Public Works by Resolution No. 3, 2004, is hereby approved and ratified, and the Clerk is directed to attach a copy of such Board of Public Works Resolution and agreement to the official copy of this Special Ordinance, and insert a copy of the same into the permanent minutes of the Council.

SECTION 2. The Director of the Department of Public Works is authorized to execute said agreement on behalf of the City of Indianapolis.

SECTION 3. The Indianapolis Airport Authority is hereby authorized to exercise eminent domain authority, if necessary, and construct the Parallel Bridgeport Interceptor in Marion County, Indiana in compliance with IC 36-1-3-9 (c), IC 36-1-7-2, IC 36-1-7-3, IC 36-3-4- 18 (a), IC 36 -9-2-17 and IC 36-9-2-18.

SECTION 4. This Special Ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Conley reported that the Public Works Committee heard Proposal Nos. 82-86, 2004 on February 19, 2004. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 82, 2004. The proposal, sponsored by Councillor Bowes, authorizes a multi-way stop at the intersection of Thrush Drive and Winton Avenue. PROPOSAL NO. 83, 2004. The proposal, sponsored by Councillor Gray, authorizes a multi-way stop at the intersection of

47th Street and Cornelius Avenue. PROPOSAL NO. 84, 2004. The proposal, sponsored by Councillor Plowman, authorizes a multi-way stop at the intersection of Chisolm Trail and Yucatan Drive. PROPOSAL NO. 85, 2004. The proposal, sponsored by Councillor Plowman, authorizes a traffic signal at the intersection of Five Points Road and Thompson Road. PROPOSAL NO. 86, 2004. The proposal, sponsored by Councillor Gray, authorizes parking restrictions on Cornelius Avenue from 46th Street to 49th Street. By 5-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Conley moved, seconded by Councillor Gray, for adoption. Proposal Nos. 82-86, 2004 were adopted on the following roll call vote; viz:

25 YEAS: *Abduallah, Borst, Bowes, Boyd, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Speedy, Talley*  
0 NAYS:  
3 NOT VOTING: *Bradford, Mansfield, Schneider*  
1 ABSENT: *Langsford*

Proposal No. 82, 2004 was retitled GENERAL ORDINANCE NO. 6, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 6, 2004

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
16	Thrush Dr Winton Ave	Winton Ave	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
16	Thrush Dr Winton Ave	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 83, 2004 was retitled GENERAL ORDINANCE NO. 7, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 7, 2004

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
18	47 <sup>th</sup> St Cornelius Ave	Cornelius Ave	Stop

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SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
18	47 <sup>th</sup> St Cornelius Ave	None	All Way Stop

Proposal No. 84, 2004 was retitled GENERAL ORDINANCE NO. 8, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 8, 2004

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
40	Chisolm Trail Yucatan Dr	Yucatan Dr	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
40	Chisolm Trail Yucatan Dr	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 85, 2004 was retitled GENERAL ORDINANCE NO. 9, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 9, 2004

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
41	Five Points Rd Thompson Rd	None	All Way Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
41	Five Points Rd Thompson Rd	None	Signal

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 86, 2004 was retitled GENERAL ORDINANCE NO. 10, 2004, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 10, 2004

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

*Cornelius Avenue, on both sides, from 46<sup>th</sup> Street to 49<sup>th</sup> Street*

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

President Boyd reported that the Rules and Public Policy Committee heard Proposal Nos. 87 and 88, 2004 on February 10, 2004. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 87, 2004. The proposal, sponsored by Councillors Gibson, Abdullah, and Borst, approves the Mayor's establishment of a charter school "Indianapolis Metropolitan Career Academy #1" by issuing a charter to Goodwill Education Initiatives, Inc. PROPOSAL NO. 88, 2004. The proposal, sponsored by Councillors Gibson, Abdullah, and Borst, approves the Mayor's establishment of a charter school "Indianapolis Metropolitan Career Academy #2" by issuing a charter to Goodwill Education Initiatives, Inc. By 7-1 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

David Harris, executive director of Indianapolis Charter Schools, thanked the sponsors of the proposals and said that these schools will serve at-risk youth in the community.

Councillor Gibson thanked Bill Shrewsbury, chairman of the Charter Schools Board, and Mr. Harris for their hard work. He said that he visited Goodwill Industries, along with Councillors Abdullah and Langsford, and they were impressed with this model. He said that he is especially encouraged by the internship program to enhance higher education and career development.

Councillor Abdullah said that Goodwill Industries has been an anchor in the community for many years, and he is glad to see them serving children in this way.

Councillor Sanders stated that her vote does not reflect on Goodwill Industries, as they have been a model corporate citizen and have done great things for the Indianapolis community. She said that she is opposed to the philosophy of charter schools, however, and cannot therefore support these proposals.

Councillor Gibson moved, seconded by Councillor Borst, for adoption. Proposal Nos. 87 and 88, 2004 were adopted on the following roll call vote; viz:

February 23, 2004

25 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Speedy, Talley*

1 NAY: *Sanders*

2 NOT VOTING: *Mansfield, Schneider*

1 ABSENT: *Langsford*

Proposal No. 87, 2004 was retitled COUNCIL RESOLUTION NO. 35, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 35, 2004

A PROPOSAL FOR A COUNCIL RESOLUTION approving the Mayor's establishment of a charter school, "Indianapolis Metropolitan Career Academy #1," by issuing a charter to Goodwill Education Initiatives, Inc.

WHEREAS, the Mayor is authorized by IC 20-5.5 to issue charters for chartered schools within the Consolidated City; and

WHEREAS, IC 20-5.5-3-4 requires that a majority of the members of the City-County Council approve the establishment of charter schools prior to the Mayor issuing a charter; and

WHEREAS, the Mayor has announced his intention to issue a charter to Goodwill Education Initiatives, Inc. for a charter school named "Indianapolis Metropolitan Career Academy #1"; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. A majority of the members of the City-County Council hereby authorizes the Mayor to establish a charter school, "Indianapolis Metropolitan Career Academy #1," by issuing a charter to Goodwill Education Initiatives, Inc.

SECTION 2. This resolution shall be in full force and effect from and after adoption.

Proposal No. 88, 2004 was retitled COUNCIL RESOLUTION NO. 36, 2004, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 36, 2004

A PROPOSAL FOR A COUNCIL RESOLUTION approving the Mayor's establishment of a charter school, "Indianapolis Metropolitan Career Academy #2," by issuing a charter to Goodwill Education Initiatives, Inc.

WHEREAS, the Mayor is authorized by IC 20-5.5 to issue charters for chartered schools within the Consolidated City; and

WHEREAS, IC 20-5.5-3-4 requires that a majority of the members of the City-County Council approve the establishment of charter schools prior to the Mayor issuing a charter; and

WHEREAS, the Mayor has announced his intention to issue a charter to Goodwill Education Initiatives, Inc. for a charter school named "Indianapolis Metropolitan Career Academy #2"; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. A majority of the members of the City-County Council hereby authorizes the Mayor to establish a charter school, "Indianapolis Metropolitan Career Academy #2," by issuing a charter to Goodwill Education Initiatives, Inc.

SECTION 2. This resolution shall be in full force and effect from and after adoption.

## **NEW BUSINESS**

Councillor Bradford said that he would like to have Corporation Counsel Scott Chinn and Fraternal Order of Police (FOP) president Vince Huber give a status report on the Indianapolis Police Department contract negotiations. President Boyd said that this contract is still in negotiation at this time, and the agenda was adopted at the beginning of the meeting without adding this item. Councillor Gibson agreed and said that it is the duty of the executive branch to negotiate contracts.

Councillor Cockrum said that he has had some conversations with the Controller's Office regarding suggested uses of the excess County Option Income Tax (COIT) distribution. He said that he would be willing to sponsor a proposal to utilize these funds. Councillor Nytes said that the Administration and Finance Committee is looking at other uses for the County portion, and perhaps Councillor Cockrum could come to those committee meetings to share in these discussions. Councillor Boyd encouraged Councillor Cockrum to submit a proposal formally that can be referred to the Administration and Finance Committee for discussion. Councillor Bradford said that perhaps the Administration and Finance Committee could hold a joint meeting with the Municipal Corporations Committee regarding use of COIT excess to fund IndyGo needs.

Councillor Pfisterer said that while the executive branch has the responsibility to negotiate the FOP contract, the Council also has an interest, as evidenced by a Special Resolution proposed last year to encourage negotiations.

Councillor Conley said that he and the Mayor greeted Department of Public Works (DPW) employees early this morning and he appreciates the hard work they have done with snow removal and addressing pot-hole problems. He specifically commended new director Jim Garrard and Union president Steve Quick. Councillor Sanders said that she has spoken with DPW Union personnel, and they appreciated the Mayor and Councillor Conley's visit.

## **ANNOUNCEMENTS AND ADJOURNMENT**

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Borst stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Speedy in memory of Shirley Ann Speedy; and
- (2) Councillor Oliver in memory of Deacon William Barker, Elizabeth Larry, Gerry Conn, and Ellaree Oliver; and
- (3) Councillor Sanders in memory of Michael Cross.

Councillor Borst moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Shirley Ann Speedy, Deacon William Barker, Elizabeth Larry, Gerry Conn, Ellaree Oliver, and Michael Cross. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:46 p.m.

*February 23, 2004*

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 23rd day of February, 2004.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

President

ATTEST:

Clerk of the Council

(SEAL)

